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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,257	06/29/2001	Robert A. Koch	60027.7US01	5051
23552	7590	04/12/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			DAVIS, CYNTHIA L	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/894,257

Applicant(s)

KOCH ET AL.

Examiner

Cynthia L Davis

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Boloker.

Regarding claim 1, a Wireless Application Protocol (WAP) system for delivering voice-based content to a user of a wireless device is disclosed in paragraph 221 of Boloker. A WAP Server operative to deliver voice-based information to the wireless device over a connection, in response to the receipt of a voice-based content request is disclosed in paragraph 199 (the content server). A WAP Gateway operative to receive the voice-based content request from the wireless device and to deliver the voice-based content request to a Voice Portal Node; wherein the Voice Portal Node is operative to place a call to the wireless device, thereby establishing the connection between the wireless device and the WAP Server is disclosed in paragraph 396-7 and figures 24 and 25 (the speech application server in figure 24, and the VoiceXml browser in figure 25, are the Voice Portal Node; figure 24 element 211 and figure 25, element 224 are the gateways).

Regarding claim 2, the WAP Gateway and the Voice Portal Node communicate over a Transport Control Protocol/Internet Protocol (TCP/IP) data channel is disclosed in paragraph 144.

Regarding claim 3, the WAP Gateway delivers a directory number of the wireless device to the Voice Portal Node over the TCP/IP data channel, thereby enabling the Voice Portal Node to place the call to the wireless device is disclosed in paragraph 169 (the voice server, which is the voice portal node, may initiate the call to the wireless device).

Regarding claim 4, the WAP Server and the WAP Gateway communicate over a Transport Control Protocol/Internet Protocol (TCP/IP) data channel is disclosed in paragraph 144.

Regarding claim 5, the Voice Portal Node is further operative to retrieve the voice-based content from the WAP Server and to deliver the voice-based content to the wireless device is disclosed in paragraph 199 (the remote content server is the WAP server).

Regarding claim 6, the voice-based content is delivered to the Voice Portal Node in Voice Extensible Markup Language (VXML) format is disclosed in paragraph 71.

Regarding claim 7, the Voice Portal Node is operative to convert VXML content received from the WAP Server to an audio message and is further operative to deliver the audio message to the wireless device is disclosed in paragraph 134 and figure 22 (the VoiceXML browser does this).

Regarding claim 8, the WAP Server is further operative to send an email message containing the voice-based content in a text form to an email address is disclosed in paragraph 6 (the system may be used to send email, which may be accessed by the wireless client's browser).

Regarding claim 9, the WAP server is equipped with an email server operative to format and transmit the email message is disclosed in paragraph 252 (text information may be sent and received).

Regarding claim 10, the WAP Server is further operative to simultaneously deliver voice-based and text-based content to the wireless device is disclosed in paragraph 252 (text information may be sent and received) and the last sentence of paragraph 80 (voice and visual modes may be simultaneous; see also paragraphs 81-82).

Regarding claim 11, a method for delivering voice-based content and text-based content to a Wireless Application Protocol (WAP) device is disclosed in paragraph 221 and paragraph 80 of Boloker. Establishing a WAP-based connection between the WAP device and a WAP Server is disclosed in figure 24 (the WAP network line running from element 216 to element 41). Establishing a telephonic connection between the WAP device and a Voice Portal Node is disclosed in figure 24 (the Wireless Data Connection or Voice Connection line running between elements 217). Retrieving the voice-based content from the WAP server and delivering the voice-based content to the WAP device over the telephonic connection is disclosed in figure 24 (the lines running between element 219 and 41, and 41 and 214); and delivering the text-based content to the WAP device over the WAP-based connection is disclosed in figure 24 (the lines running between elements 41 and 214).

Regarding claim 12, modifying the delivery of the voice-based content in response to receiving a user instruction over the telephonic connection is disclosed in

80-82 (the system may switch between modes based on requests received from any form of communication with the wireless end device).

Regarding claim 13, modifying the delivery of the voice-based information in response to receiving a user instruction over the WAP-based connection is disclosed in 80-82 (the system may switch between modes based on requests received from any form of communication with the wireless end device).

Regarding claim 14, modifying the delivery of the WAP-based information in response to receiving a user instruction over the telephonic connection is disclosed in 80-82 (the system may switch between modes based on requests received from any form of communication with the wireless end device).

Regarding claim 15, modifying the delivery of the WAP-based information in response to receiving a user instruction over the WAP-based connection is disclosed in 80-82 (the system may switch between modes based on requests received from any form of communication with the wireless end device).

Regarding claim 16, the WM-based connection between the WAP device and a WAP Server is made through a WAP Gateway is disclosed in figure 24, element 211.

Regarding claim 17, translating Voice Extensible Markup Language (VXML) data to an audible message for delivery as the voice-based content is disclosed in paragraph 134 and figure 22 (the VoiceXML browser does this).

Regarding claim 18, translating an audible voice user instruction to Voice Extensible Markup Language (VXML) data for delivery to the WAP Server is disclosed in figure 22 and paragraph 39 (the VoiceXML browser does this).

Regarding claim 19, accessing a WAP-enabled web site associated with the WAP Server; and transmitting a voice content request to the WAP Server, via the WAP-enabled web site is disclosed in is disclosed in paragraph 199 (the device may access remote internet sites).

Regarding claim 20, a Wireless Application Protocol (WAP) system for delivering voice-based content to a user of a wireless device is disclosed in paragraph 221 of Boloker. A WAP Server operative to deliver voice-based information to the wireless device over a connection, in response to the receipt of a voice-based content request is disclosed in paragraph 80 (the user may interact with the internet via voice commands) and in paragraph 199 (the content server). A WAP Gateway operative to receive the voice-based content request from the wireless device and to deliver the voice-based content request to the Voice Portal Node, the voice-based content request including a directory number of the wireless device, wherein the Voice Portal Node is operative to place a call to the directory number of the wireless device, thereby establishing the connection between the wireless device and the WAP Server is disclosed in paragraph 396-7 and figures 24 and 25 (the speech application server in figure 24, and the VoiceXml browser in figure 25, are the Voice Portal Node; figure 24 element 211 and figure 25, element 224 are the gateways). The WAP server is further operative to simultaneously deliver the voice-based content and to deliver text-based content to the wireless device is disclosed in paragraph 252 (text information may be sent and received) and the last sentence of paragraph 80 (voice and visual modes may be simultaneous; see also paragraphs 81-82).

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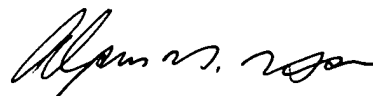
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLD  
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ALPUS H. HSU  
PRIMARY EXAMINER